



## **FREMONT PLANNING BOARD**

**January 13, 2010**

**Meeting Minutes**

**Approved January 27, 2010**

Present: Chairman Roger Barham, Co-Chair and CC Rep. John (Jack) Karcz, Members John (Jack) Downing, Derek Downing, Alternate/Building Official Thom Roy, RPC Circuit Rider Brian Groth, and Land Use AA/Recording Secretary Meredith Bolduc.

Also present: Leanne Miner

Mrs. Bolduc introduced Mrs. Miner to the Board and related that she wants to sit in on some meetings to see if she is interested in participating. Mrs. Miner said that she is a geologist with experience with the USGS coastal program and in environmental consulting. She has lived here for about 5 years, absolutely loves it and wants to offer her experience where it would be most useful. She related that she recently attended a 2-day conference given by NHDES on watershed protection.

Mr. Barham opened the meeting at 7:00 pm.

### **MINUTES**

Mr. D. Downing made the motion to approve the minutes of the December 16, 2009 as written. Motion seconded by Mr. Karcz with unanimous favorable vote.

### **PROJECTS PENDING WITH RPC**

- CTAP DOT Build-out- funded with CTAP Phase I Funds = \$10,000; completion date of October 28, 2009; moved to end of 2009.
- Housing Chapter of the Master Plan - funded with CTAP Phase I Discretionary Funds = \$5,000; original completion date of December 2008, moved to September 23, 2009; then November 18, 2009; then December 31, 2009
- Inclusionary Housing Zoning Ordinance – funded with CTAP Phase I Discretionary Funds = \$5,000; original completion date of May 19, 2009; moved to November 4, 2009. complete
- Open Space Plan - funded with CTAP Funds = \$10,000; original completion date of May 19, 2009; moved to a tentative completion date of September 16, 2009; final presentation January 27, 2010
- CTAP Road Map = Completion - end of December, 2009
- Water Resource portion of the NRI Chapter of the Master Plan – funded with the Targeted Block Grant (TBG) and the Towns share (\$2,000) has been paid; original completion date of June 30, 2009; final draft August 5, 2009 – moved to August 31, 2009; then to November 4, 2009, then to end of 2009.

CTAP project timeline table below.

Projects	18-Nov	25-Nov	2-Dec	16-Dec	23-Dec	31 – Dec	27-Jan
<b>CTAP</b>							
<b>Build Out</b>						Final	
<b>Housing MP</b>						Final	
<b>Inclusionary Ordinance</b>	Complete						
<b>Open Space Plan</b>					Plan to be submitted		Final Presentation
<b>CTAP Road Map</b>							
<b>Non-CTAP</b>							
<b>WRMPP (TBG)</b>						Final	

#### WATER RESOURCE MANAGEMENT PLAN

Mrs. Bolduc reported that the comments for the WRMP have been sent to RPC and Glenn Greenwood is moving forward with the final draft.

#### CTAP ROADMAP and CTAP PHASE II FUNDS

The Board reviewed a powerpoint presentation of the CTAP Roadmap report as presented by Mr. Groth. Mr. Groth related that, as per the introduction of the report, the development of this Community Planning Road Map is part of the I-93 Community Technical Assistance Program (CTAP). The CTAP program is a New Hampshire Department of Transportation (NH DOT) 5 year initiative to assist 26 communities that will be affected by the rebuilding and expansion of Interstate 93, including Fremont. The purpose of CTAP is to promote beneficial patterns of growth among all 26 communities to minimize the negative effects of growth on community services, open space, school systems, traffic, environmental quality, and existing residential and commercial development.

CTAP is coordinated by NH DOT, four of the state's regional planning commissions (Central, Nashua, Rockingham and Southern New Hampshire), as well as a number of non-governmental organizations such as the Society for Protection of New Hampshire Forests as directed by a CTAP Steering Committee made up of representatives from each of these groups.

CTAP consists of three main planning stages:

1. Community Planning Assessment  
A questionnaire designed to help communities determine where they are on the planning curve and where their current planning and zoning will take them in the future.
2. Visioning and Planning  
The process in which a community pictures the future it wants and plans how to achieve it.
3. Implementation  
Utilizing the community assessment and existing community plans actions are developed and implemented that move the community forward to its ultimate vision.

Currently, the CTAP program is moving into the Visioning and Planning and Implementation stages via the CTAP Community Planning Road Map. The CTAP Community Planning Road Map is

designed to engage communities in evaluating how they can achieve their planning goals using the planning products, resources and services available to them through the CTAP program.

Mr. Groth related that a Community Planning Road Map Committee was formed in Fremont and met twice in December of 2009 to determine some short term projects that can be accomplished with the CTAP Phase II funds within the allowable timeline of May of 2010. The committee looked at the highest impact and highest feasibility and came up with action items as follows:

- Update goals of the Future Land Use Chapter of the Master Plan to reflect new commercially zoned areas.
- Establish Low Impact Design standards for parking areas
- Conduct an audit of the Master Plan
- Author a Dark Skies Ordinance

Other short term projects that were recommended by the Committee were:

- Develop guidelines for identifying and declaring a project of Regional Impact
- Update stormwater management and erosion control regulations
- Conduct a vernal pool study
- Recruit volunteers for involvement in Planning Board, Board of Adjustment and Conservation Commission.

The Corporate Commercial Zoning District was discussed.

Mr. Roy suggested taking the commercial zone we have already created and put an implementation plan in place to outline the things the Town would need to do to really have a viable commercial zone off Shirkin Road. He suggested a study to show how to get across the wetland to get to the zoned area. Mr. Downing suggested creating a subcommittee to study the engineering aspects of the potential connector road project. Mr. Karcz felt that “vision” for the commercial zone should be done first, and then implementation. Mr. Roy said that he feels the vision has been accomplished through the zoning ordinance in that the ordinance tells you what can and cannot be done in the district. Mr. Roy asked if the CTAP money could be used for the engineering to design a road in and out of the Corporate Commercial District. Mr. Groth said the CTAP money must be used for planning, not implementation.

Mr. Groth said he would like to file for funds with CTAP as soon as possible. The grant is for \$10,000. The application is to be done now and the work needs to be completed by the first of May. Mr. Barham suggested that Mr. Groth move forward with getting the cost for each of the projects that the Committee came up with and report back to the Board for their decisions as to which projects to proceed with. Mr. Groth agreed and said that he will work with Glenn Greenwood to come up with the dollar figure for each topic.

Mr. Groth said that this is not the final presentation; he will do this again at least one time.

#### CTAP BUILD-OUT ANALYSIS

Mr. Groth said that Mr. Pruyne he has spoken with Mr. Pruyne about the Build-Out Analysis and he was supposed to return contact with the Land Use Office. This did not happen so Mr. Groth said that tomorrow he will speak with Mr. Pruyne about completing the project.

LECLAIR, FRED

Map 2 Lot 077-1, Red Brook Road

Mrs. Bolduc said that she has contacted Surveyor Kevin Hatch several times about submitting the Leclair property test pit data report and is still waiting for the information.

The Board received a copy of a December 21, 2009 correspondence to the Selectmen from NHDRA Gravel Tax Appraiser Mary Pinkham-Langer relative to the Town not allowing Mr. LeClair to remove the previously excavated earth on which he has paid taxes to the Town. In her letter Ms. Pinkham-Langer stated that Mr. LeClair has contacted her in regard to his property and the previously excavated earth stockpiles. He indicated to her that the Town is not allowing him to continue his reclamation and alteration of the site and is not allowing him to remove the previously excavated earth on which he has paid taxes to the Town. Ms. Pinkham-Langer related that *"In the past, in similar situations, it has been the recommendation of the Department that the individual be allowed to remove the earth that had been previously excavated and stockpiled on which taxes have been paid with no additional excavation occurring until proper permits or exceptions have been obtained."*

The letter prompted a conversation relative to the incomplete excavation permit process due to the withdrawal of the application by the applicant; and the need for reclamation prior to the removal of any material from the site

Mr. Barham offered to draft a letter to Ms. Pinkham-Langer advising her of the Town's perspective of the Leclair case. The Board agreed to suggest to the Selectmen that the letter be sent under the Selectmen's signatures if they agreed with the content.

COPP DRIVE EXTENSION / GRISTMILL, LLC

Map 2 Lot 156.2

Mr. Barham reported that a second correspondence was sent to Mr. Weymouth, Gristmill, on December 7, 2009 requesting the submittal of the new corrected Copp Drive plan that is to be signed by the Planning Board and recorded at the registry of deeds. Mrs. Bolduc has left messages with Surveyor Kevin Hatch and is waiting for a response.

COOPERS CORNER

Map 3 Lot 037

Mr. Roy stated that he spoke via phone with John Wilder, previous owner the property at Map 3 Lot 037-03, who advised him that the property is under new ownership. A letter has been sent from the Land Use Office to the new owner relative to scheduling an appointment with the Board to discuss reclamation plans for the excavation area on the property.

SEACOAST FARMS

Map 5 Lot 035

The Board received:

1. A copy of a December 18, 22, 23, & 24, 2009 off-site odor complaint relative to Seacoast Farms as logged by Code Enforcement Officer Thom Roy.

2. A copy of a December 23, 2009 e-mail correspondence from Doug Kemp of DES to Thom Roy offering his comments as a result of his site visit the same morning. Mr. Kemp's comments are as follows:
  - *The windrow actively being excavated was larger [taller & wider] than had been agreed upon. It's my understanding that it takes roughly two days for anaerobic [i.e., odorous] conditions to predominate in a compost heap. Therefore, in order to avoid generating odors - when accepting large quantities of material at the facility either the newly received material needs to be relocated into smaller windrows within two days of arrival, or prior to accepting the material sufficient space should be prepared so that trucks [w/ on-site equipment at the ready] can dump/manipulate each load into smaller, roughly windrow-ready shape. All operators must be made aware of the necessity to minimize the potential for off site odor generation and windrow size is a factor in this equation.*
  - *Given the strong wind conditions and prevailing wind directions toward Beede Road, it's my opinion, based on the facility's operations plan, that work of the kind observed at the site should have been halted or not undertaken until conditions were such that off site odors were less likely. Therefore, any operator at the facility must be aware of the need to determine weather conditions before and during such operations.*
  - *The largest of the three eastern most windrows should be reduced in size to conform with previous agreements on windrow size. NOTE: Before spring arrives, each windrow at the facility must be at or below the size limits previously agreed upon.*
  - *The nature of the piles behind and in front of the trailer should be identified. If, as they appear, they consist of matured compost and screenings then their volume should not be added with the volume of compost material. NOTE: If the screenings are also prone to the formation of anaerobic conditions then this material should also be shaped into windrows.*
  - *Operators of facilities requiring a solid waste permit are required to be certified or have attained interim status. This issue needs to be resolved with Don Maurer at 271-2925.*

There was a conversation relative to the offsite odor emitted from the Seacoast Farms site. Mr. Roy noted that the odor happens when the windrows are allowed to sit more than 15 days without turning them. Mr. Roy said he thinks it is a gross misconduct on Mr. Kelly's part to allow odor to happen and the Town should pull his Site Plan permit if it continues. He added that if a lot more complaints are received in the spring, additional material should not be allowed to be brought on the site. The Members collectively agreed to recommend to the Selectmen that a letter should be sent from the Selectmen stating that offsite odors will no longer be tolerated and further action should be anticipated if offsite odors occur in the future.

#### BUDGET

The Members received the expenditure report as of December 30, 2009.

#### ZBA NOTICES AND COMMENT SHEETS

The Board has received a notice of a January 26, 2010 ZBA Public Hearing for:

1. Constance Leoncello for 70 Tibbetts Road, Map 7 Lot 015; and
2. Pauline A. Vaillancourt/Vincent J. Giannusa for 74 Tibbetts Road, Map 7 Lot 016

Both of these parties are seeking variances from zoning Article IV Sections 1, 2, 3, 5, 6 & 8 to re-establish the pre-existing, non-conforming parcels as a buildable lots to permit rebuilding of a dwelling thereon previously destroyed by flooding.

After some discussion the Board agreed to issue no comment to the ZBA in both cases.

#### BONDING AND REGULATIONS

The Board reviewed the draft of the surety regulation for the Subdivision, Site Plan Review and Excavation Regulations as submitted by Dan Tatem of Stantec, at the request of the Board, and presented by Mr. Roy.

#### INCOMING CORRESPONDENCES

There were no incoming correspondences.

Next meeting: January 27, 2010.

#### ACTION ITEMS

From December 16, 2009:

- From January 13, 2010  
Mr. Groth will; 1) Contact Rob Pruyne relative to the timeline of the Build-out Analysis  
2) Price the CTAP Roadmap Items.
- From September 16, 2009:  
Budget: Mr. Hunter will ask the Selectmen what the remedy is if the economy picks up and there are applicants so the postage and advertising monies are needed? (2010 budget cut recommendations)

Mr. Karcz made the motion to adjourn at 9:48 pm.

Motion seconded by Mr. J. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary